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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,152	07/23/2001	Michael L. Howard	2291.2.14	4493
21552	7590	02/07/2006	EXAMINER	
MADSON & AUSTIN GATEWAY TOWER WEST SUITE 900 15 WEST SOUTH TEMPLE SALT LAKE CITY, UT 84101			TRAN, PHUC H	
			ART UNIT	PAPER NUMBER
			2668	
DATE MAILED: 02/07/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/911,152	Applicant(s) HOWARD ET AL.	
	Examiner PHUC H. TRAN	Art Unit 2668	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Knockeart et al. (U.S. Patent No. 6680694 B1).

- With respect to claims 1 & 8, Knockeart teaches a combined telephone network interface and gateway for facilitating communications through use of a telephone with an embedded device and for facilitating communications between a remote service provider and the embedded device (e.g. Fig. 1), the combined telephone network interface and gateway comprising:

a telephone interface for electronic communication with a telephone (340 in Fig. 21B);

an external telephone network interface for connecting the telephone network interface to an external telephone network (e.g. 130 in Fig. 3);

a gateway for electronic communications with the embedded device (125 in Fig. 3), the gateway being programmed to communicate with the embedded device, and the gateway also being programmed to enable communications with the embedded device from a control service provider (e.g. the vehicles in Fig. 1);

connection control (120 in Fig. 1), the connection control operating to cause the telephone to be selectively in electronic communication with the external telephone network for telephone calls such that a user at the telephone is capable of dialing out and is capable of receiving an incoming telephone call (e.g. the telephone dial up to Centralized server in Fig. 21B), and the connection control operating to selectively cause the telephone to be in electronic communication with the gateway for communicating with an embedded device such that device requests from the telephone are communicated to the gateway (e.g. Fig. 21B shows a person calls server to connect with the vehicle), wherein the gateway is in electronic communication with the embedded device, and the connection control operating to selectively cause the gateway to be in electronic communication with the external telephone network to enable electronic communications between a control service provider and the gateway (e.g. the sever system with external information system), and wherein the gateway comprises devices information about the embedded device (e.g. Fig. 4B).

- With respect to claims 2, and 9, Knockart further comprising a plurality of telephone interfaces for electronic communications with a plurality of telephones (e.g. number of users in Fig. 21B).

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- With respect to claims 3, and 10, Knockeart discloses wherein the control service provider communicates with the telephone network interface through use of a telecommunications network (e.g. PSTN).

- With respect to claims 4, and 11, Knockeart teaches wherein the control service provider communicates with the telephone network interface through use of a global computer network (e.g. GPS).

- With respect to claims 5, and 12, Knockeart discloses wherein the control service provider communicates with the telephone network interface through use of a computer network (e.g. Fig. 20B).

- With respect to claims 6, and 13, Knockeart teaches wherein the control service provider includes schedule data to indicate when certain messages are to be sent to certain embedded devices (e.g. col. 37, lines 13-25).

- With respect to claims 7, and 14, Knockeart discloses wherein the control service provider includes device location data to indicate the address of certain embedded devices (see 3.3.3 in col. 31).

Response to Arguments

3. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H. TRAN whose telephone number is (571) 272-3172. The examiner can normally be reached on M-F (8-4:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Assistant Examiner
Art Unit 2664

P.t
2/4/06

DANG TON
PRIMARY EXAMINER